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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/799,082

03/12/2004

Paul A. Maas

840650.00002

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26710 7590 07/24/2007
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EXAMINER

BLOODGOOD, RUSSELL F

ART UNIT

PAPER NUMBER

3634

MAIL DATE

DELIVERY MODE

07/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/799,082	MAAS, PAUL A.	
	Examiner	Art Unit	
	Russell F. Bloodgood	3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 26 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 26 recites the limitation "the another first type of connector element" in line 3.

There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 8, and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nussdorf et al. (US Patent No. 4373570) in view of Maas (US Patent No. 5272848) and LeMay (US Patent No. 3987836).

Nussdorf et al. disclose a portable display booth having a flexible large rear panel 54 and two flexible side panels 40 and 42 that are less than half of the height of the rear panel 54.

Nussdorf et al. fails to disclose a rear wall partition having a plurality of panels hinged together, keyhole and stud attachment means, feet having wheels, transversely attached end supports, side wall partitions having a plurality of panels hinged together

Maas teaches a portable room divider having a plurality of smaller panels 11 that are hinged together (Figure 3), which allows them to fold up when not in use and then to fold back out when necessary, so as to create a larger solid partition. Maas further discloses a partition supported by feet 18 comprising casters 19 and end supports 15 comprising casters 17.

LeMay teaches a partition assembly having a keyhole and stud connection between panels and further comprising connection pieces 10 and 26 that utilize keyhole and stud connections (for example 28 and 20 or 29 and 30) on multiple planes, such as the outer edge and also the front and rear faces of a panel (Figure 1) to allow extra panels to be connected to its end, front face, or rear face. LeMay further teaches providing extra slots 73 and 74 on the front and rear faces of the panel to allow other attachments to be secured to the panel.

It would have been obvious to one of ordinary skill within the art at the time of the invention to modify the portable display booth disclosed by Nussdorf et al. with a plurality of hinged rigid panels to replace the flexible rear wall partition and side wall partitions, feet having casters, and end supports having castors as taught by Maas, and to further modify the portable display booth with the keyhole and stud attachment means as taught by LeMay. These modifications would create a display booth having rigid walls without losing the capabilities of being easily moved and easily stored because of the hinged panels and wheeled supports. The keyhole and stud attachment means would allow for not only quick and easy setup or

Art Unit: 3634

disassembly of said display booth, but would also allow for multiple booths to be setup by connecting other rear wall and side wall panels.

3. Claims 7 and 11-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nussdorf et al., Maas, and LeMay as applied to claims 1-6 and 8 above, and further in view of Kramer et al. (US Patent No. 5431254).

All of the elements of the instant invention are discussed in detail above except providing support pieces having wheels that can be moved between two positions, the first being raised away from the floor and the second, engaging the floor..

Kramer et al. teach a support stand that engages the floor in a first position to raise the wheels off the floor and allows the wheels to engage the floor in a second position.

It would have been obvious to one of ordinary skill within the art at the time of the invention to further modify the portable room divider disclosed by Nussdorf et al. with the support stand disclosed by Kramer et al. in order to achieve the highest levels of stability and portability using the simplest and most effective way as well as allowing the support body to engage to floor or ground, holding the weight of the piece being supported without allowing it to roll away.

4. Claims 9, 10, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nussdorf et al, Maas, LeMay, and Kramer et al. as applied to claims 1-8 and 11-23 above, and further in view of Arko et al. (US Design Patent 415901).

All of the elements of the instant invention are discussed in detail above except providing a partition panel having a handle.

Arko et al disclose a panel comprising a handle.

It would have been obvious to one of ordinary skill within the art at the time of the invention to further modify the portable room divider disclosed by Maas with at least one panel having a handle on it as taught by Arko et al. since a handle provides a place for someone moving the panel or partition to hold the panel, giving them increased grip to aid in the moving process.

Response to Arguments

5. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection, as necessitated by amendment.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 3634

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell F. Bloodgood whose telephone number is 571-272-5712. The examiner can normally be reached on Mon - Fri: 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RFB

A handwritten signature in black ink, appearing to read "Brian Glessner", followed by a long horizontal line extending to the right.

BRIAN E. GLESSNER
SUPERVISORY PATENT EXAMINER